



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VON BORSTEL

Atty. Ref.: 1331-334; Confirmation No. 3848

Appl. No. 09/763,955

TC/A.U. 1623

Filed: February 28, 2001

Examiner: Patrick T. Lewis

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL
DISEASES

* * * * *

October 5, 2006

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the Official Action mailed August 9, 2006. Claims 48-59 and 62-68 are in the case. Reconsideration is respectfully requested:

I. OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 54-59 stand provisionally rejected on obviousness-type double patenting grounds as allegedly unpatentable over claims 31, 32 and 38-41 of copending Application Serial No. 09/930,494. Applicants will consider filing a Terminal Disclaimer when otherwise allowable subject matter is indicated.

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In re Patent Application of

Atty 1331-334
Dkt.

C# M#

VON BORSTEL

C/A.U. 1623

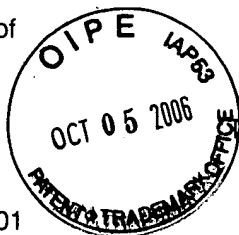
Serial No. 09/763,955

Examiner: Patrick T. Lewis

Filed: February 28, 2001

Date: October 5, 2006

Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES



IFW 1623 \$

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 22 minus highest number
previously paid for 47 (at least 20) = 0 x \$47 \$0.00 (1202)/\$0.00 (2202) \$ 0.00

Independent claims after amendment 5 minus highest number
previously paid for 8 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$ 0.00

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ 0.00

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 180.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 180.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYTE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: 